

## OFFICE OF GOVERNMENT ETHICS

Pub. L. 95-521, title IV, Oct. 26, 1978, 92 Stat. 1862, as amended by Pub. L. 96-19, § 9(e), (s), June 13, 1979, 93 Stat. 43, 44

### § 401. Establishment in Office of Personnel Management; appointment of Director

(a) There is established in the Office of Personnel Management an office to be known as the Office of Government Ethics.

(b) There shall be at the head of the Office of Government Ethics a Director (hereinafter referred to as the "Director"), who shall be appointed by the President, by and with the advice and consent of the Senate.

#### SHORT TITLE

For Short Title of Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as the "Ethics in Government Act of 1978", see section 1 of Pub. L. 95-521, set out as a Short Title note under section 701 of Title 2, The Congress.

### § 402. Authority and functions

(a) The Director shall provide, under the general supervision of the Office of Personnel Management, overall direction of executive branch policies related to preventing conflicts of interest on the part of officers and employees of any executive agency, as defined in section 105 of title 5, United States Code.

(b) The responsibilities of the Director shall include—

(1) developing and recommending to the Office of Personnel Management, in consultation with the Attorney General, rules and regulations to be promulgated by the President or the Office of Personnel Management pertaining to conflicts of interest and ethics in the executive branch, including rules and regulations establishing procedures for the filing, review, and public availability of financial statements filed by officers and employees in the executive branch as required by title II of this Act;

(2) developing and recommending to the Office of Personnel Management, in consultation with the Attorney General, rules and regulations to be promulgated by the President or the Office of Personnel Management pertaining to the identification and resolution of conflicts of interest;

(3) monitoring and investigating compliance with the public financial disclosure requirements of title II of this Act by officers and employees of the executive branch and executive agency officials responsible for receiving, reviewing, and making available financial statements filed pursuant to such title;

(4) conducting a review of financial statements to determine whether such statements reveal possible violations of applicable con-

flikt of interest laws or regulations and recommending appropriate action to correct any conflict of interest or ethical problems revealed by such review;

(5) monitoring and investigating individual and agency compliance with any additional financial reporting and internal review requirements established by law for the executive branch;

(6) interpreting rules and regulations issued by the President or the Office of Personnel Management governing conflict of interest and ethical problems and the filing of financial statements;

(7) consulting, when requested, with agency ethics counselors and other responsible officials regarding the resolution of conflict of interest problems in individual cases;

(8) establishing a formal advisory opinion service whereby advisory opinions are rendered on matters of general applicability or on important matters of first impression after, to the extent practicable, providing interested parties with an opportunity to transmit written comments with respect to the request for such advisory opinion, and whereby such advisory opinions are compiled, published, and made available to agency ethics counselors and the public;

(9) ordering corrective action on the part of agencies and employees which the Director deems necessary;

(10) requiring such reports from executive agencies as the Director deems necessary;

(11) assisting the Attorney General in evaluating the effectiveness of the conflict of interest laws and in recommending appropriate amendments;

(12) evaluating, with the assistance of the Attorney General, the need for changes in rules and regulations issued by the Office of Personnel Management and the agencies regarding conflict of interest and ethical problems, with a view toward making such rules and regulations consistent with and an effective supplement to the conflict of interest laws;

(13) cooperating with the Attorney General in developing an effective system for reporting allegations of violations of the conflict of interest laws to the Attorney General, as required by section 535 of title 28, United States Code;

(14) providing information on and promoting understanding of ethical standards in executive agencies; and

(15) developing and recommending for promulgation by the Office of Personnel Management such rules and regulations as the Director determines necessary or desirable with respect to the evaluation of any item required to be reported by title II of this Act.

(c) In the development of policies, rules, regulations, procedures, and forms to be recommended, authorized, or prescribed by him, the Director shall consult when appropriate with the executive agencies affected and with the Attorney General.

(d) Repealed. Pub. L. 96-19, § 9(e)(1), June 13, 1979, 93 Stat. 43.

(As amended Pub. L. 96-19, § 9(e), (s), June 13, 1979, 93 Stat. 43, 44.)

#### REFERENCES IN TEXT

Title II of this Act, referred to in subsec. (b)(1), (3), and (15), is title II of Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1836, which enacted provisions entitled "Executive Personnel Financial Disclosure Requirements", set out in this Appendix.

#### AMENDMENTS

1979—Subsec. (b)(1). Pub. L. 96-19, § 9(s), substituted "consultation" for "consulation" and struck out a comma following "rules and regulations" and "President".

Subsec. (b)(15). Pub. L. 96-19, § 9(e)(2), added par. (15).

Subsec. (d). Pub. L. 96-19, § 9(e)(1), repealed subsec. (d) which required the promulgation of a regulation establishing a method of readily determining, without expert appraisal, the fair market value of assets required to be disclosed by this title.

#### § 403. Administrative provisions

Upon the request of the Director, each executive agency is directed to—

(1) make its services, personnel, and facilities available to the Director to the greatest practicable extent for the performance of functions under this Act; and

(2) except when prohibited by law, furnish to the Director all information and records in its possession which the Director may determine to be necessary for the performance of his duties.

#### REFERENCES IN TEXT

This Act, referred to in par. (1), means Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, known as the Ethics in Government Act of 1978. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 2, The Congress, and Tables.

#### § 404. Rules and regulations

In promulgating rules and regulations pertaining to financial disclosure, conflict of interest, and ethics in the executive branch, the Office of Personnel Management shall issue rules and regulations in accordance with chapter 5 of title 5, United States Code. Any person may seek judicial review of any such rule or regulation.

#### § 405. Authorization of appropriations

There are authorized to be appropriated to carry out the provisions of this title [sections 401 to 405 of this Act], and for no other purpose—

(1) not to exceed \$2,000,000 for the fiscal year ending September 30, 1979; and

(2) not to exceed \$2,000,000 for each of the four fiscal years thereafter.